

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 5, 2001

Regulation Package 1099-25

CDSS MANUAL LETTER NO. CCL-01-03

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 6, ADULT RESIDENTIAL FACILITIES

**Regulation Package #1099-25****Effective 1/5/01****Sections 85001, 85002, 85018, 85061, 85064, 85064.2, 85064.3, 85064.4, 85064.5, 85066, 85090, 85090.1, 85090.2, 85091, 85091.1, 85091.2, 85091.3, and 85091.4**

These regulations make changes to the existing administrator certification program in adult residential facilities (ARF). The ARF initial certification program was effective July 1, 1996, but did not adequately address important areas such as continuing education, certificate renewals, denials, revocations, forfeitures, and appeal procedures. These regulations document those areas.

These regulations were considered at the Department's public hearings held on February 15, 16, and 17, 2000.

**FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-01-02. The latest prior manual letter containing Adult Residential Facilities regulation changes was Manual Letter No. CCL-98-09.

**Page(s)****Replace(s)**

1 and 2  
4 through 5.1  
7  
10 through 13.9  
16 and 17  
33 through 37.7

Pages 1 and 2  
Pages 4 and 5  
Page 7  
Pages 10 through 13  
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Pages 33 through 37

Attachment

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**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****85000 GENERAL****85000**

- (a) Adult residential facilities, as defined in Section 80001a.(5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

**85001 DEFINITIONS****85001**

In addition to Section 80001, the following shall apply.

- a. (Reserved)
- b. (Reserved)
- c.
  - (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in an adult residential facility.
  - (2) "Certified administrator" means a person who has been issued an Administrator Certification by the Department and whose certification is current.
  - (3) "Classroom Hour" means sixty (60) minutes of classroom instruction with or without a break. It is recommended that no more than twenty (20) minutes of break time be included every four (4) hours of instruction. No credit is given for meal breaks.
  - (4) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.
  - (5) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
  - (6) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to adult residential facility administrators and certificate holders to qualify them for renewal of their adult residential facility administrator certificate.

**85001 DEFINITIONS (Continued)****85001**

- (7) "Course" means either, (1) a quarter-or-semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop or lecture of varying duration.
- d. (Reserved)
- e. (Reserved)
- f. (Reserved)
- g. (Reserved)
- h. (Reserved)
- i. (1) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial thirty-five (35) hour certification training program to persons who do not possess a valid adult residential facility administrator certification.
- (2) "Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.
- j. (Reserved)
- k. (Reserved)
- l. (1) "Licensed Mental Health Professional" means a licensed clinical psychologist; a psychiatrist; a licensed clinical social worker; or a licensed marriage, family and child counselor.
- m. (Reserved)
- n. (1) "Needs and Services Plan" means a written plan that identifies the specific needs of an individual client, including those items specified in Sections 80068.2 and 85068.2, and delineates those services necessary to meet the client's identified needs.
- o. (Reserved)
- p. (Reserved)
- q. (Reserved)

**85001**      **DEFINITIONS (Continued)****85001**

- r.    (1) "Renewal Vendor Application" means the application form, LIC 9141, used to request approval from the Department to continue another two (2) years as an approved vendor.
- s.    (Reserved)
- t.    (Reserved)
- u.    (Reserved)
- v.    (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.
- (2) "Vendor Applicant" means any institution, association, individual(s) or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- w.    (Reserved)
- x.    (Reserved)
- y.    (Reserved)
- z.    (Reserved)

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1502.2, 1507, 1530, 1531, and 1562.3, Health and Safety Code.

**85002 DEFINITIONS - FORMS****85002**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 6 (Adult Residential Facilities).

- (a) LIC 9139 (7/00) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (7/00) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9141 (7/00) - Vendor Application/Renewal, Administrator Certification Program.
- (d) LIC 9142a (7/00) - Roster of Participants - For Vendor Use Only - 35/40 Hour Initial Or CEU Courses, Administrator Certification Program.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1562.3, Health and Safety Code; and Section 15376, Government Code.

**Article 3. APPLICATION PROCEDURES****85018 APPLICATION FOR LICENSE****85018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit a financial plan of operation on forms provided or approved by the department.
  - (1) Start-up funds shall be available which shall include funds for the first three months of operation.
- (c) The licensing agency shall have the authority to require written verification of the availability of the funds required in (b)(1) above.
- (d) Each applicant shall submit the name and residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying the required education and administrator certification.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1528, 1531, 1562.3, and 1562.4, Health and Safety Code.

**85022 PLAN OF OPERATION****85022**

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall contain written evidence of arrangements for any consultants and community resources which are to be utilized to meet regulatory requirements or requirements of the facility's plan of operation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.



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**85061 REPORTING REQUIREMENTS****85061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall notify the Department, in writing, within thirty (30) days of a change of administrator. The notification shall include the following:
  - (1) Name, and residence and mailing addresses of the new administrator.
  - (2) Date he/she assumed his/her position.
  - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
    - (A) A photocopy of the documentation shall be permitted.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562.3, and 1562.4, Health and Safety Code.

**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES****85064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult residential facilities shall have a certified administrator.
- (c) The administrator shall be at least 21 years of age.
- (d) Have a high school diploma or pass a general educational development test (GED).
  - (1) Administrators employed prior to July 1, 1996 are exempt from this requirement.
- (e) The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (f) When the administrator is absent from the facility there shall be coverage by a designated substitute, who meets the qualifications of Section 80065, who shall be capable of, and responsible and accountable for, management and administration of the facility in compliance with applicable law and regulation.
- (g) The administrator of a facility for seven to 15 clients shall have one year of work experience in residential care.
- (h) The administrator of a facility for 16 to 49 clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment:

**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)****85064**

- (1) Completion, with a passing grade, of 15 college or continuing education semester or equivalent quarter units, three of which shall be in nutrition, human behavior, administration, or staff relations.
- (2) One year of work experience in residential care.
- (i) The administrator of a facility for 50 or more clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment.
  - (1) Completion, with a passing grade, of 60 college or continuing education semester or equivalent quarter units, six of which shall be in administration or staff relations.
  - (2) Three years work experience in residential care, one year of which shall have been providing direct care to clients or assisting in facility administration.
- (j) The administrator shall perform the following duties:
  - (1) Where applicable, advise the licensee on the operation of the facility and advise the licensee on developments in the field of care and supervision.
  - (2) Development of an administrative plan and procedures to define lines of responsibility, workloads, and staff supervision.
  - (3) Recruitment, employment and training of qualified staff, and termination of staff.
  - (4) Provision of, or insurance of the provision of, services to the clients, required by applicable law and regulation, including those services identified in the client's individual needs and services plans.
    - (A) The licensing agency shall have authority to approve the use of a centralized service facility to provide any required services to two or more licensed facilities. Prior approval shall be obtained in writing.

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- (B) Examples of such centralized service facilities are a centralized laundry, dining room or kitchen serving two or more facilities.

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- (5) Arrangement for special provisions for the care and supervision and safety and guidance of clients with disabilities including visual or auditory deficiencies.

**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)****85064**

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- (A) Such provisions may include additional staff, safety and emergency information printed in braille, and lights to alert the deaf to emergency sounds.

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- (6) Arrangement for the clients to attend available community programs, when clients have needs, identified in the needs and services plan, which cannot be met by the facility but can be met by community programs.

- (A) Such arrangements shall include, but not be limited to, arranging for transportation.

- (k) Within six months of becoming an administrator, the individual shall receive training on HIV and TB required by Health and Safety Code Section 1562.5. Thereafter, the administrator shall receive updated training every two years.

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Health and Safety Code Section 1562.5(a) reads in pertinent part:

(a) The Director shall ensure that, within six months after obtaining licensure, an administrator of an adult residential facility ... shall receive four hours of training on the needs of residents who may be infected with the human immunodeficiency virus (HIV), and on basic information about tuberculosis. Administrators ... shall attend update training every two years after satisfactorily completing the initial training to ensure that information received on HIV and tuberculosis remains current. The training shall consist of three hours on HIV and one hour on tuberculosis.

(g) In the event that an administrator or program director demonstrates ... a significant difficulty in accessing training, the administrators and program directors ... have the option of fulfilling these training requirements through a study course consisting of written and/or video educational materials.

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- (l) Administrators employed prior to July 1, 1996 shall be exempt from the requirements of Sections 85064(d), (h), and (i) above, provided that they have no break in employment as an adult residential facility administrator exceeding three (3) consecutive years.
- (m) In those cases where the individual is both the licensee and the administrator of an adult residential facility, the individual shall comply with all of the licensee and certified administrator requirements.

**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)****85064**

- (n) The Department may revoke the license of an adult residential facility for failure to comply with all requirements regarding certified administrators.
- (o) Unless otherwise provided, a certified administrator may administer more than one licensed adult residential facility.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, 1562.4, and 1562.5, Health and Safety Code.

**85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS****85064.2**

- (a) An individual shall be a certificate holder prior to being employed as an Administrator.
- (b) To receive his/her certificate an applicant shall:
  - (1) Successfully complete a Department approved Initial Certification Training Program.
  - (2) Pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
  - (3) Submit an application form to the Department's certification section within thirty (30) days of being notified of having passed the test. The application shall contain the following:
    - (A) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program.
    - (B) A statement certifying that the applicant is at least twenty-one (21) years of age.
    - (C) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.
    - (D) A one hundred dollar (\$100) processing fee.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1522(h)(1).
- (d) It shall be unlawful for any person not certified under this Section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified adult residential facility administrator is guilty of a misdemeanor.

**85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 85064.2**

- (e) Certificates issued under this Section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
  - (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Section 85064.2(b)(2) and (3) above may be extended for good cause as determined by the Department. Any request for extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend time.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, and 1562.4, Health and Safety Code.

**85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 85064.3**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during the two-year certification period. Continuing education hours must relate to the Core of Knowledge and be completed through any combination of the following:
  - (1) Courses provided by vendors approved by the Department, or
  - (2) Accredited educational institutions offering courses that are consistent with the requirements of this Section, or

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- (A) Examples of accredited educational institutions are Community and State colleges.

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- (3) Courses offered by vendors approved by other California State agencies provided that:
  - (A) The approval and enforcement procedures of that State agency are comparable to the approval and enforcement procedures of the Department, and

**85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 85064.3**

- (B) The course relates to the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I).

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- (C) Prior to taking a course from one of the entities specified in Section 85064.3 (a)(2) or (3) above, the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.
- (D) Examples of other California State agencies that meet the requirements above are: the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.

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- (4) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
- (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
- (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 85090(h)(1)(A) through (I).
- (5) Continuing education hours must enhance the core of knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.
- (b) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (c) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit:

**85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 85064.3**

- (1) A written request to recertify post-marked on or before the certificate expiration date.
  - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 85064.3(a) above.
  - (3) Payment of a one hundred dollar (\$100) processing fee.
- (d) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit:
- (1) A written request to recertify.
  - (2) Evidence of completion of the required continuing education hours as specified in Section 85064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if he/she had remained certified. The date of computation shall be the date the written request for recertification is received by the Department.
  - (3) Payment of a delinquency fee equal to three times the renewal fee, or three hundred dollars (\$300).
- (e) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date shall complete an Initial Certification Training Program as specified in Section 85064.2(b).
- (f) Certificate holders, as a condition of recertification, shall have a current criminal record clearance.
- (g) A processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (h) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's administrator certification section.
- (i) Whenever a certified administrator assumes or relinquishes responsibility for administering an adult residential facility, he or she shall provide written notice within thirty (30) days to:
- (1) The licensing District Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
  - (2) The Department's administrator certification section.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.



**85064.4 DENIAL OR REVOCATION OF A CERTIFICATE****85064.4**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code Section 1550 and/or for any of the following:
- (1) The certificate holder procured a certificate by fraud or misrepresentation.
  - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order, or
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
  - (4) The certificate holder does not have a current criminal record clearance.
  - (5) The certificate holder fails to comply with certificate renewal requirements.
    - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certification renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code 1520.3.

**85064.4 DENIAL OR REVOCATION OF A CERTIFICATE** (Continued)**85064.4****HANDBOOK BEGINS HERE**

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1550, 1551, 1562.3 and 1562.4, Health and Safety Code.

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**85064.5 FORFEITURE OF A CERTIFICATE****85064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, or 1596.8897, after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1520.3, 1558(h) and/or 1558.1.

**85064.5 FORFEITURE OF A CERTIFICATE** (Continued)**85064.5**

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Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

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**HANDBOOK CONTINUES**

**85064.5 FORFEITURE OF A CERTIFICATE** (Continued)**85064.5**

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**HANDBOOK CONTINUES**

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(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

Health and Safety Code Section 1558(h)(1)(A) reads in pertinent part:

(h)(1)(A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(h)(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

Health and Safety Code Section 1558.1(a)(1) reads in pertinent part:

(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

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**HANDBOOK CONTINUES**

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**85064.5 FORFEITURE OF A CERTIFICATE** (Continued)**85064.5**

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**HANDBOOK CONTINUES**

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...

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

...

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1558, 1558.1, and 1562.3, Health and Safety Code.

**85065 PERSONNEL REQUIREMENTS****85065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ staff as necessary to ensure provision of care and supervision to meet client needs.
- (c) The licensee shall employ support staff as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds.
- (d) The licensee shall ensure that the following personnel requirements are met in the provision of planned activities:
  - (1) In facilities with a licensed capacity of 16 to 49 clients, one employee shall be designated by the administrator to have primary responsibility for the organization, conduct and evaluation of planned activities.
    - (A) The designated employee shall possess at least six months of experience in organizing and providing planned group activities.
  - (2) In facilities with a licensed capacity of 50 or more clients, one employee shall have full-time responsibility for the organization, conduct and evaluation of planned activities, and shall be given assistance as necessary in order to ensure that all clients participate in accordance with their interests and abilities.
    - (A) The designated employee shall possess at least one year of experience in organizing and providing planned group activities, and shall be knowledgeable in the evaluation of client needs, the supervision of other employees, and the training of volunteers.
  - (3) Participation of volunteers in planned activities shall be encouraged.
    - (A) Such volunteers shall be under the direction and supervision of the employee designated as responsible for the activity program.



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**85065.6 NIGHT SUPERVISION****85065.6**

- (a) Night supervisory staff shall meet the personnel requirements specified in Section 80065, and the requirements below.
- (b) Employees providing night supervision from 10:00 p.m. to 7:00 a.m., as specified in (c) through (f) below, shall be available to assist in the care and supervision of clients in the event of an emergency, and shall have received training in the following:
  - (1) The facility's planned emergency procedures.
  - (2) First aid, as specified in Section 80075.
- (c) In facilities providing care and supervision for 15 or fewer clients, there shall be at least one person on call on the premises.
- (d) In facilities providing care and supervision for 16 to 100 clients, there shall be at least one person on duty, on the premises and awake. Another person shall be on call and capable of responding within 30 minutes.
- (e) In facilities providing care and supervision for 101 to 200 clients, at least one person shall be on call, on the premises; another qualified person shall be on duty, on the premises and awake; and another person shall be on call and capable of responding within 30 minutes.
- (f) In facilities providing care to seven or more clients who rely upon others to perform all activities of daily living, there shall be at least one person on duty, on the premises and awake.
  - (1) For every additional 14 such clients, there shall be one additional person on duty, on the premises and awake.
- (g) In facilities providing care to Regional Center clients who rely upon others to perform all activities of daily living, night supervision shall be maintained as required by the Regional Center, but no less than the staff-client ratio specified in Sections 85065.6(f) and (f)(1).
- (h) For every additional 100 clients, or fraction thereof, for whom care and supervision is being provided, there shall be one additional person on duty, on the premises and awake.
- (i) In facilities required to have a signal system, as specified in Section 85088, at least one staff person shall be responsible for responding to the signal system.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

**85066 PERSONNEL RECORDS****85066**

- (a) In addition to Section 80066, the following shall apply.
- (b) A dated employee time schedule shall be developed at least monthly, shall be displayed conveniently for employee reference and shall contain the following information for each employee:
  - (1) Name.
  - (2) Job title.
  - (3) Hours of work.
  - (4) Days off.
- (c) The licensee shall maintain documentation that the administrator has met the certification requirements specified in Section 85064.2.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1562.3, and 1562.4, Health and Safety Code.

**85068 ADMISSION AGREEMENTS****85068**

- (a) In addition to Section 80068, the following shall apply.
- (b) The admission agreement must specify the following:
  - (1) Payment provisions, including the client's funding source.
    - (A) Such disclosure shall be at the client's discretion.
  - (2) General facility policies which are intended to ensure that no client, in the exercise of his/her personal rights, infringes upon the personal rights of any other client.
  - (3) The current arrangement with the client regarding the provision of food service.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

**Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS****85090 INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS****85090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department using forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
  - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
  - (3) Written description and educational objectives for each component.
  - (4) Qualifications of each proposed instructor as specified in Section 85090(i)(6) below.
  - (5) Geographic areas in which the Training Program will be offered.
  - (6) Types of records to be maintained, as required by Section 85090(i)(4) below.
  - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
  - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
  - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 85090(b)(7) and (8) above.
  - (10) A processing fee of one hundred-fifty dollars (\$150).

**85090 INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS (Continued)****85090**

- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department using forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 85090(b) above.
- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
  - (1) The request is deficient, describing what documents are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
  - (1) A minimum of thirty-five (35) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
    - (A) Six (6) hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of adult residential facilities.
    - (B) Three (3) hours of instruction in business operations.
    - (C) Three (3) hours of instruction in management and supervision of staff.
    - (D) Four (4) hours of instruction in the psychosocial needs of the facility residents.
    - (E) Three (3) hours of instruction in the use of community and support services to meet residents' needs.
    - (F) Four (4) hours of instruction in the physical needs of facility residents.

85090

**INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS** (Continued)

85090

- (G) Four (4) hours of instruction in the administration, storage, use, prevention of misuse and interaction of drugs commonly used by facility residents.
- (H) Four (4) hours of instruction on admission, retention, and assessment procedures.
- (I) Four (4) hours of instruction on nonviolent crisis intervention techniques and reporting requirements.

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- (J) Topics within the basic curriculum may include, but not be limited to, topics as specified in the Department's Core of Knowledge Guidelines for each of the nine (9) Core of Knowledge components specified in Section 85090(h)(1)(A) through (I) above. The guideline is available from the Department upon request.
- (K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed adult residential facilities, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et seq.

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- (2) A standardized test administered by the Department.
  - (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
  - (B) The test questions shall reflect the hour value of the nine (9) Cores of Knowledge areas specified in Section 85090(h)(1)(A) through (I) above.
- (i) Initial Certification Training Program vendors shall:
  - (1) Offer all thirty-five (35) of the classroom hours required for certification.
    - (A) A minimum of ten (10) hours of instruction must be provided by instructor(s) who meets the criteria specified in Section 85090(i)(6)(D).
      - 1. Where good faith efforts to employ an instructor who meets the criteria specified in Section 85090(i)(6)(D) are unsuccessful, vendors may apply to the administrator certification section for a waiver of this requirement.

**85090 INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS (Continued)****85090**

- (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
- (3) Submit to the Department within seven (7) days of determination the names of individuals who have completed thirty-five (35) hours of classroom instruction.
- (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for (3) three years. The records shall include the following information:
  - (A) Course schedules, dates and descriptions.
  - (B) List of instructors and documentation of qualifications of each, as specified in Section 85090(i)(6) below.
  - (C) Names of registered participants and documentation of completion of the program.
  - (D) Evaluations by participants of courses and instructors.
- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
  - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
  - (B) Four (4) years experience relevant to the course(s) to be taught, or
  - (C) Be a professional in a related field with a valid license to practice in California, or
  - (D) Have at least four (4) years experience in California as an administrator of an adult residential facility, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001s.(6).

**85090 INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS (Continued)****85090**

- (j) Initial Certification Training Program Vendors shall allow Department representatives to monitor and inspect training programs.
- (k) Initial Certification Training Program vendors shall not instruct or "co-locate" more than one program type (ARF, RCFE, GH) at one time.
- (l) Initial Certification Training Program vendors that are also seeking certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code; and Section 15376, Government Code. Reference: Sections 1551 and 1562.3, Health and Safety Code.

**85090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL  
CERTIFICATION TRAINING PROGRAM****85090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1562.3(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1562.3(h)(1) reads in pertinent part:

The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to subdivision (i).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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**85090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL  
CERTIFICATION TRAINING PROGRAM** (Continued)**85090.1**

- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

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Health and Safety Code Section 1520.3(b) reads in pertinent part:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1551, and 1562.3, Health and Safety Code.

**85090.2 REVOCATION OF AN INITIAL CERTIFICATION  
TRAINING PROGRAM****85090.2**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 85090, or
- (1) Is unable to provide training due to lack of staff, funds or resources, or
  - (2) Misrepresents or makes false claims regarding the training provided, or
  - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
  - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

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Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1551, and 1562.3, Health and Safety Code.

**85091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS****85091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department using the Initial Vendor Application form, LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
  - (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
  - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
  - (3) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
  - (4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Section 85091(b)(2) and (3) above.
  - (5) A processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department using the Renewal Vendor Application form, LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 85091(b) above.
- (e) If a request for approval or renewal of a Continuing Education Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
  - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.

**85091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS** (Continued)**85091**

- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
  - (1) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following:
    - (A) Course schedules, dates and descriptions.
    - (B) List of instructors and documentation of qualifications of each, as specified in Section 85091(h)(2) below.
    - (C) Names of registered participants and documentation of completion of the courses.
    - (D) Evaluations by participants of courses and instructors.
  - (2) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
    - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
    - (B) Four (4) years experience relevant to the course to be taught, or
    - (C) Be a professional, in a related field, with a valid license to practice in California, or
    - (D) Have at least four (4) years experience in California as an administrator of an adult residential facility, within the last eight (8) years, and with a record of administering facilities in substantial compliance as defined in Section 80001s. (6).
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:
  - (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided that such participation is verifiable.
- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Programs.

**85091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)****85091**

- (l) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (ARF, RCFE, GH), may provide "multiple crediting," that is, more than one certification for the course, to those who complete the course satisfactorily.
- (m) Continuing Education Training Program vendors that the Department has approved for more than one program type (ARF, RCFE, GH), may "co-locate" or instruct specified courses for more than one program type.
- (n) Continuing Education Training Program vendors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

**85091.1 CONTINUING EDUCATION TRAINING PROGRAM  
COURSE APPROVAL REQUIREMENTS****85091.1**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
  - (1) At the sole discretion of the Department, continuing education credit may be granted for training provided by the Department's licensing staff.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department using the Request for Course Approval form, LIC 9140, or a replica. The request shall be signed under penalty of perjury and contain the following:
  - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor of each course.
  - (2) Written description and educational objectives for each course, teaching methods, course content and a description of evaluation methods.
  - (3) Qualifications of each proposed instructor, as specified in Section 85091(h)(2).
  - (4) Types of records to be maintained, as required by Section 85091(h)(1).
  - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.

**85091.1 CONTINUING EDUCATION TRAINING PROGRAM  
COURSE APPROVAL REQUIREMENTS (Continued)****85091.1**

- (6) A statement of whether or not the proposed instructor held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
- (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal, or other action involving licensure, certification or other approvals as specified in Sections 85091.1(b)(5) and (6) above.
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 85091(c).
  - (1) To renew a course, the vendor shall submit a written request to the Department, using the Renewal of Continuing Education Course Approval form, LIC 9139, or a replica.
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor that:
  - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, and the request for the change shall contain the information specified in Section 85091.1(b).
- (h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect training courses.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

**85091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION  
OF A CONTINUING EDUCATION COURSE****85091.2**

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request an administrative review in writing, within ten (10) days of receipt of the Department's notice denying or revoking course approval.
  - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
  - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, that would have led to a different decision, he/she shall have the authority to affirm, amend or reverse the denial or revocation of course approval.
    - (A) The Department shall give written notice of its decision within 10 working days.
  - (4) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

**85091.3 DENIAL OF A REQUEST FOR APPROVAL OF A  
CONTINUING EDUCATION TRAINING PROGRAM****85091.3**

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code Section 1562.3(h)(1). The Department shall provide the applicant with a written notice of the denial.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1562.3(h)(1) reads in pertinent part:

(h)(1) ...The department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations...

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

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**HANDBOOK CONTINUES**

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**85091.3 DENIAL OF A REQUEST FOR APPROVAL OF A  
CONTINUING EDUCATION TRAINING PROGRAM (Continued)****85091.3**

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**HANDBOOK CONTINUES**

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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**HANDBOOK ENDS HERE**

- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code Section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1520.3(b) reads in pertinent part:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions, which either have been corrected or are no longer in existence.

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**HANDBOOK ENDS HERE**

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1551 and 1562.3, Health and Safety Code.



**85091.4 REVOCATION OF A CONTINUING EDUCATION  
TRAINING PROGRAM****85091.4**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 85091 and 85091.1, or:
- (1) Is unable to provide training due to lack of staff, funds or resources; or
  - (2) Misrepresents or makes false claims regarding the training provided; or
  - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent of the program; or
  - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

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**HANDBOOK BEGINS HERE**

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Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 1550 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1562.3, and 1551, Health and Safety Code.